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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Crim No. 08-666

v. : Hon. Susan D. Wigenton

THERON SERVANCE : **ORDER**

This matter having come before the Court upon a motion by the defendant, Theron Servance, to amend/correct his sentence to award jail credit, filed on December 15, 2011 [Dkt. No. 27]; and the government having filed a response on February 1, 2012, and this Court having considered the defendant's motion and the government's opposition thereto; and

It appearing that it is the responsibility of the Bureau of Prisons ("BOP") to make jail credit determinations, not the sentencing court; and

It further appearing that the BOP determined that the defendant may not receive credit towards his federal sentence for the 140 days he spent in state custody at Essex County Jail from September 26, 2008 to February 12, 2009, because such time was already credited towards the defendant's state sentence; and

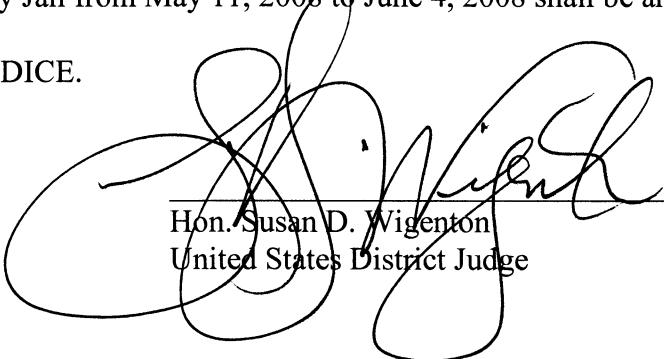
It further appearing that the defendant has not demonstrated that the BOP did not give defendant credit for the 25 days he spent in state custody at Hudson County Jail from May 11, 2008 to June 4, 2008, nor has he demonstrated that he has exhausted his administrative remedies, as set forth in 28 CFR § 542.10 et seq; and

In the interest of justice and for good cause shown:

IT IS on this 14<sup>th</sup> day of February 2012  


ORDERED that the defendant's request for credit for the 140 days he spent in state custody at Essex County Jail from September 26, 2008 to February 12, 2009 shall be and hereby is DENIED WITH PREJUDICE; and

IT IS FURTHER ORDERED that the defendant's request for credit for the 25 days he spent in state custody at Hudson County Jail from May 11, 2008 to June 4, 2008 shall be and hereby is DENIED WITHOUT PREJUDICE.



Hon. Susan D. Wigenton  
United States District Judge